IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 20395 of 2005(C)

AGAINST THE ORDER IN EP.NO.79/2001 IN LAR.291/1982 of SUB COURT,THODUPUZHA

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PETITIONER:

MANI MATHEW, PARAKKULANAGARA HOUSE, KUDAYATHOOR KARA,KUDAYATHOOR VILLAGE, THODUPUZHA.

BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.MUHAMMED SAJEER S.K.

RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 20395 OF 2005

Dated this the 25th day of June, 2007

JUDGMENT

Heard Mr.K.K.Chandran Pillai, counsel for the petitioner and Sri.Shyson P. Manguzha, learned Government Pleader. A copy of the judgment in LAA No.110 of 1986 and a copy of the decree in LAR No.291 of 1982 are placed before me. It is clear on a perusal of the judgment and decree in the LAA that what has been awarded by this Court under the LAA is a sum amounting to Rs.30,000/- over and above the enhancement already granted to him under the trial court decree. This court also allowed statutory solatium and interest for the entire market value. Even otherwise, having regard to the principles laid down by the judgment in **Sunder v. Union of India** [2001(3) KLT 489] the petitioner is entitled for statutory benefits including interest and solatium. When the decree of this court is appreciated in that way it has to be found that the claim of the petitioner in both the execution petition as well as in Ext.P3 statement that a total amount to be allowed to him by way of enhanced compensation is Rs.1,11,884.56(Rs.25,681.05 + 30,000 + 16,704.30 + 39,499.24) is correct. Naturally the above amount will carry statutory interest. Under these circumstances, I am of the view that the issue is to be reconsidered by the Subordinate Judge who will

determine the correct balance amount payable to the petitioner in the light of the findings and observations made herein, Ext.P4 is set aside. The court below will determine the correct balance amount payable as of now by taking into account the part payments so far made by the Government considering the principles given by the Supreme Court in **Gurpreet Singh v. Union of India** [(2006) 8 SCC 457]. Fresh decision as directed above will be taken after hearing both sides within six weeks of receiving copy of this judgment.

The Writ Petition is allowed as above. No costs.

PIUS C. KURIAKOSE, JUDGE

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